

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

RAMON PERAITA, ) No. EDCV 08-1008 DSF (FFM)  
Petitioner, ) ORDER FOR DISMISSAL  
v. )  
WARDEN KNOWLES, et al., )  
Respondents. )

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On July 15, 2008, Ramon Peraita (hereinafter “Petitioner”) initiated this action, *pro se*, by filing a “Petition for Writ of Habeas Corpus by a Person in State Custody” (hereinafter “Petition”) in the United States District Court for the Eastern District of California. The Petition was transferred to and filed in this Court on July 24, 2008.

On November 3, 2008, Petitioner filed a “Motion to Dismiss Writ of Habeas Corpus,” asking the Court to dismiss the Petition without prejudice.

The Court construes Petitioner’s motion as a notice of dismissal. Because respondent has not filed an answer to the petition, pursuant to Fed.R.Civ.P. 41(a)(1) the notice is sufficient in and of itself to dismiss the Petition.

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1 IT IS THEREFORE ORDERED that the Petition is hereby dismissed  
2 without prejudice.  
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4 DATED: 11-26-08

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7 DALE S. FISCHER  
United States District Judge

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9 Presented by:  
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12 / S / FREDERICK F. MUMM  
13 FREDERICK F. MUMM  
14 United States Magistrate Judge  
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